

THE PUBLIC SERVICE COMMISSION
OF THE
COMMONWEALTH OF PENNSYLVANIA

General Order No. 29

RULES AND REGULATIONS
GOVERNING COMMON CARRIERS OF
PROPERTY BY MOTOR VEHICLE

Adopted November 22, 1932

Effective January 1, 1933



R38.39

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Harrisburg, Pa.

1933

THE PUBLIC SERVICE COMMISSION
OF THE
COMMONWEALTH OF PENNSYLVANIA

General Order No. 29

In re: Rules and Regulations
Governing Common Carriers of Property by Motor Vehicle

BY THE COMMISSION:

By virtue of, and pursuant to, the authority vested in The Public Service Commission of the Commonwealth of Pennsylvania by The Public Service Company Law of July 26, 1913, P. L. 1374, and its amendments and supplements to date, the "Rules and Regulations Governing Common Carriers of Property By Motor Vehicle," attached to and made part of this order to be designated and known as General Order No. 29, are now found and determined to be just and reasonable regulations of such public service companies; THEREFORE,

NOW, to wit, November 22, 1932, IT IS ORDERED: That said General Order No. 29, being "Rules and Regulations Governing Common Carriers of Property By Motor Vehicle," be and is hereby adopted to become effective January 1, 1933.

IT IS FURTHER ORDERED: That the order of this Commission as adopted by it and known as "Revised General Order No. 18," adopted March 12, 1929, be and is hereby rescinded and cancelled, effective January 1, 1933, in so far as said Revised General Order applies to common carriers of property by motor vehicle.

IT IS FURTHER ORDERED: That any specific rights or limitations contained in certificates of public convenience issued prior to the effective date of this order shall remain in full force and effect, unless changed by specific order of the Commission.

THE PUBLIC SERVICE COMMISSION
OF THE
COMMONWEALTH OF PENNSYLVANIA

Attest:

(Signed) LOUIS TEVELL,
Secretary

(Signed) CLYDE L. KING,
Chairman

(Seal)

RULES AND REGULATIONS GOVERNING COMMON CARRIERS OF PROPERTY BY MOTOR VEHICLE

Rule 1

DEFINITIONS

(Applicable only to these rules)

(a) The term "Trucker" means any person or corporation engaged in transporting property by means of motor vehicle or motor vehicles as a common carrier in intrastate traffic between points in Pennsylvania over any public highway.

(b) The term "Property" includes all tangible personal property.

(c) The term "Motor Vehicle" means any motor-propelled commercial vehicle, or any trailer drawn thereby, operated over public highways, and not on or over fixed rails.

(d) The term "Commission" means The Public Service Commission of the Commonwealth of Pennsylvania.

Rule 2

STATUTORY PROVISIONS

No corporation may be formed and no person or corporation, foreign or domestic, may begin to render service as a common carrier in intrastate traffic between points in Pennsylvania unless and until it shall have received the approval of the Commission, evidenced by its certificate of public convenience.

This requirement has been effective since January 1, 1914. Persons or corporations engaged in such service prior to that date have the right to continue to render such service as they did at that time and continuously since, without approval of the Commission, but are subject to all other provisions of the statute and rules of the Commission.

Statutory definitions of the terms are as follows:

"The term 'Corporation,' as used in this act, shall be construed to include all bodies corporate, joint stock companies, or associations, domestic or foreign, their lessees, assignees, trustees, receivers, or other successors in interest, having any of the powers or privileges of corporations not

possessed by individuals or partnerships, and shall not include municipal corporations, except as otherwise provided in this act."

"The term 'Person,' as used in this act, means all individuals, partnerships, or associations, other than corporations."

"The term 'Common Carrier,' as used in this act, includes any and all common carriers, whether corporations or persons, engaged for profit in the conveyance of passengers or property, or both, between points within this Commonwealth, by, through, over, above, or under land or water, or both."

Rule 3

CLASSIFICATION

The following classification of truckers is adopted:

Carriers of property:

- (a) Between fixed termini or over a designated route.
- (b) Between any points in a designated area.
- (c) From a designated area to undesignated points over undesignated routes.
- (d) Under special certificates.

Rule 4

GENERAL APPLICATION

These rules and regulations shall apply to all truckers operating at the time of their adoption, whether under a certificate of public convenience, or by virtue of being in business prior to January 1, 1914, and also to those to whom a certificate of public convenience may hereafter be issued; and are subject to such amendment, changes and modifications as the Commission from time to time may deem advisable and to such exceptions in individual cases as the Commission may deem just and proper.

Rule 5

CLASS (a) TRUCKERS

Unless otherwise specifically provided in the certificate of public convenience, truckers operating between fixed termini or over designated routes shall have the following rights and be subject to the following limitations:

- (a) They may receive and deliver property at any point in any township, borough or city which is on the route, and in townships contiguous to such cities, but shall not engage in local transportation between points in a borough or city.
- (b) They shall file with the Commission two copies of a time schedule and shall operate daily a trip beginning within

three hours of the time fixed in the schedule. They may operate additional trips over the route or any portion of it.

- (c) They shall not accept property destined to points not on the route, unless application has been made for such right and approval granted, excepting that they may accept property for delivery to railroad stations on the route for further transportation by rail.
- (d) If a carrier is authorized to operate over several connecting or intersecting routes, he shall not accept property at points on one route for delivery to points on other routes, unless application for such right has been made and approval received.
- (e) They shall not participate in through routes or joint rates with other truckers, unless application has been made for such right and approval received, excepting that arrangements may be made with Class (b) carriers for delivery in their local areas, notice of which arrangements shall be immediately submitted to the Commission.

Rule 6

CLASS (b) TRUCKERS

Unless otherwise provided in the certificate of public convenience, holders of class (b) certificates may transport between any points in the area designated in the certificate.

Rule 7

CLASS (c) TRUCKERS

Unless otherwise provided in the certificate of public convenience, holders of class (c) certificates shall have the following rights and be subject to the following limitations:

- (a) They may transport from the point of origin to any point within the mileage or other limits fixed in the certificate, and from any point within such limits to the point of origin, if the order for the transportation comes from the point of origin and is paid by the person giving the order.
- (b) No property shall be transported to or from the point of origin in a truck which contains the property of more than one consignor intended for one consignee. A report of all such shipments, giving the names of the consignor and consignee, the place of receipt and delivery, the nature and weight of the goods, the price charged and the date of shipment shall be furnished to the Commission monthly, not later than the fifth of the month, following the date of shipment. This provision shall not apply to the transportation of property shipped to the certificate holder by rail for distribution within twenty-five miles of the point of origin, or received

within twenty-five miles of the point of origin for shipment by rail.

Rule 8

CLASS (d) TRUCKERS

The rights and limitations of holders of class (d) certificates will be stated in the certificates of public convenience. Certificates of this kind will be issued where the rules applying to the other classes, with reasonable modifications, would not permit service of the kind which the applicant proposes to furnish.

Rule 9

OPERATING AGREEMENT

No trucker shall, by operating agreement or otherwise, transfer to any corporation or person the rendition or furnishing of service or any part thereof which it is authorized to render and furnish, excepting as provided in Rule 5 (e), unless such transfer and agreement is approved by the Commission.

Rule 10

APPLICATIONS FOR CERTIFICATES

(a) Application by a proposed trucker for a certificate of public convenience shall be made to the Commission substantially in accordance with the form prescribed for the specific class of service, copy of which form will be furnished upon request. Persons desiring to furnish service of more than one class must file a separate application for each class of service. Persons desiring to render service of class (a) over distinct routes must file a separate application covering each route. When an application is received, accompanied by a filing fee of \$5.00, it will be docketed and the time and place of hearing will be appointed. The applicant will be notified of the hearing and given specific directions and requirements with regard to newspaper publication and service upon interested parties. Failure to comply with the requirements may result in the cancellation of the hearing.

(b) Any railroad company, street railway company, trucker, municipality or other interested party having notice of the application and date of hearing, and desiring to protest the granting of the application shall file with the Commission and serve upon the applicant or his attorney, a written protest or answer at least five days prior to the hearing, provided however that failure to file protest shall not bar any party whose interest may be adversely affected from appearing and presenting protest at the time and

place of hearing, provided a satisfactory explanation of the failure to file a written protest is given, but such failure may be held sufficient reason for continuing the hearing.

(c) If no written protest or answer is filed with the Commission at least five days prior to the date of hearing, the Commission may cancel the hearing and grant the application at its discretion, if the facts are sufficiently set forth in the application.

(d) In the event that a scheduled hearing is postponed for any reason prior to the date thereof, notice of such postponement and the date of the continued hearing when determined, will be given by the Commission to the applicant and to all parties who have filed written protest or answer, unless the hearing is continued because the applicant has failed to file proof of publication and service as directed; in such case, the applicant shall give such notice as shall be required by the Commission.

(e) If any hearing is continued at the time the application is listed and called for hearing, the Commission will give notice of the time and place of further hearing, when determined, to those parties who have filed written protest or answer or who have entered their appearances.

If a hearing has not been concluded and further hearing is to be fixed, the Commission will give to those parties who have entered their appearances notice of the date of such further hearing when determined.

(f) Certificates of public convenience approving applications by truckers will be issued subject to the rules and regulations contained in this General Order and to such other limitations and conditions as the Commission deems just and proper.

The certificate issued on the first or original application will be limited to a period of two (2) years or less, subject to the right to apply for a renewal.

(g) Application for renewal of a certificate of public convenience in the form previously granted shall be made to the Commission on the form prescribed and furnished by it. When the renewal application with filing fee is received, it will be docketed to the same number as the original application. The applicant will be furnished with a questionnaire and advised of the date of return thereof and the time and place when the renewal application will be considered by the Commission. The applicant will also be required to serve a copy of the renewal application upon such parties as the Commission shall direct. If no protest is filed, the Commission will determine the matter on the application and return to questionnaire, but in no case shall the renewal application be refused without affording the applicant an opportunity to be heard. If protest is filed or the return to the ques-

tionnaire is unsatisfactory, a time and place of hearing may be appointed.

(h) An application for renewal, where the certificate holder has been legally operating for four (4) years or more or has had the certificate of public convenience renewed previously, will be approved for a further period of five (5) years unless, in the opinion of the Commission, the facts do not warrant a renewal for such period of time.

(i) No certificate of public convenience or rights thereunder shall be sold, leased or transferred by act or deed or by operation or law unless the approval of the Commission is first had and obtained. Such approval may be granted with or without hearing and after such notice as the Commission shall direct.

(j) Upon the death of an individual holder of a certificate of public convenience, the rights conferred by such certificate shall continue with his legal representative for a period of sixty (60) days, after which the rights conferred thereby shall cease unless application has been made to transfer such rights to the heirs or others, in which case the rights shall continue with the legal representative until the application is granted or refused.

When a certificate holder (an individual) dies and an application is made to transfer the rights granted under the certificate to his legal representative, or where the certificate holder is a copartnership and the application for transfer is in effect to change one or more of the partners, the Commission may dispose of the application without hearing.

Rule 11

MODIFICATION OF CERTIFICATES AND RULES

Application may be made to the Commission at any time by any holder of a certificate of public convenience for amendment or modification of such certificate or for the suspension of any of the rules of this General Order, as effecting him either generally or in a specific case. Such application shall be made by formal petition and the Commission will, if it considers such action desirable, schedule the petition for hearing and direct publication and notice of the hearing.

Rule 12

REGISTRATION

Truckers who were operating prior to January 1, 1914, and have continued such operation, may secure a registration certificate evidencing such operation. Application for such certificate shall contain a definite description of the territory served and

class of service furnished. When the application is received it will be docketed and a time and place of hearing will be appointed. The applicant will be notified of the hearing and given specific directions and requirements with regard to newspaper publication and service upon interested parties. Failure to comply with the requirement preliminary to date of hearing may result in the cancellation of the hearing.

Sections (b), (c), (d) and (e) of Rule 10 shall apply to such applications.

At the hearing no evidence of public convenience or necessity need be introduced. Proof of operation prior to January 1, 1914, and continuously thereafter will be required.

Rule 13

EQUIPMENT

(a) No motor vehicle shall be operated on or over the highways of this State by any trucker until such trucker has received an equipment certificate from the Commission authorizing its use, and has complied with the applicable provisions of the Motor Vehicle Code of this State. The equipment certificate will not be issued until the company has filed with the Commission a description of each motor vehicle, manufacturer's serial number, engine number, maximum gross weight of vehicle and load and certificate of title number, and until the company has complied with Rules 15 infra.

(b) No motor vehicles in addition to or substitution for those authorized to be operated shall be placed in service unless and until the equipment certificate of the trucker has been amended to include such additional or substituted vehicle or vehicles.

(c) The provisions of clause (a) and (b) of this rule shall not apply to trucks used in case of breakdowns, but full information concerning such use shall immediately be forwarded to the Commission and no such substitution shall be made for a total period of more than three (3) days in any one (1) month without the approval of the Commission.

Rule 14

MARKING

Every trucker shall cause to be painted on each side of each motor vehicle operated by him in letters not less than two (2) inches in height, and not less than one-half ($\frac{1}{2}$) inch in width, the name of the trucker and the number of the certificate of public convenience as follows: "Pa. P. S. C. No."

